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FILED
DISTRICT COURT OF GUAM

AUG 28 2006

MARY L.M. MORAN
CLERK OF COURT

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JARETT J. ELM,

Defendant.

CRIMINAL CASE NO. 05-00053

**GOVERNMENT'S STATEMENT
ADOPTING PRESENTENCE REPORT,
MOTION FOR ADDITIONAL ONE-
LEVEL DEPARTURE AND MOTION
FOR SUBSTANTIAL ASSISTANCE
DEPARTURE**

Pursuant to General Order 88-1, as amended by General Orders 93-00006 and 98-00002, the United States adopts the findings of the updated Presentence Report for the above defendant.

In addition, the United States of America, plaintiff, by and through the undersigned counsel Karon V. Johnson, Assistant United States Attorney, moves this Honorable Court for a one level departure downward from the guidelines sentencing level pursuant to USSG § 3E1.1(b) because the defendant timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the court to allocate its resources efficiently. Accordingly, defendant's total offense level will be 23. With a criminal history of I, this requires a term of 46-57 months incarceration.

The United States hereby moves this Honorable Court for a departure from the Guidelines level, as provided by USSG Section 5K1.1, on the basis that defendant has rendered substantial assistance to the government in its investigation of drug trafficking on Guam.

1 The government is filing under seal a separate sentencing memorandum concerning the
2 details of that cooperation.

3 RESPECTFULLY SUBMITTED this 25th day of August, 20006.

4 LEONARDO M. RAPADAS
5 United States Attorney
6 Districts of Guam and NMI

7 By: 
8 KARON V. JOHNSON
9 Assistant U.S. Attorney

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